

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI

February 1, 2005

The City Council convened in Regular Session on Tuesday, February 1, 2005, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with the President of the Council Rory Riddler, presiding and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Mark Brown, John Gieseke, Dottie Greer, Bob Hoepfner, Bob Kneemiller, Joe Koester, Larry Muench, Jerry Reese, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #45756

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARING

The President of the Council Rory Riddler announced that the following Public Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business.

- A. Case No. CU-29-04. An application for a conditional use permit for a vehicle service and repair facility, including tire repair and replacement, on property located at 1617 and 1621 Old Highway 94 South. The property is zoned C-2 General Business District. (Ward 4)
- B. Case No. CU-28-04. An application for a conditional use permit for a monopole telecommunications tower on property located at 1921 Muegge Road. This property is currently in unincorporated St. Charles County but is in the process of being voluntarily annexed into the City of St. Charles. The proposed zoning for the property in the City is R-1C Single-Family Residential District. (Ward 5 upon annexation)
- C. Case No. Z-31-04. An application to rezone an approximately four (4) acre parcel located at 1815 Boone's Lick Road from O-I Office Institution District to C-2 General Business District. (Ward 2) *(Tabled at the January 24, 2005, Planning & Zoning Commission Meeting; therefore the Public Hearing should be tabled until March 1, 2005)*
- D. Case No. Z-32-04. An application to rezone an approximately 2.5 acre parcel located on the north side of New Town Boulevard at Mueller Road from A Agricultural District to I-2 Heavy Industrial District. (Ward 8) *(Council Bill 8466)*
- E. Case No. Z-01-05. An application to establish zoning for property in the process of being voluntarily annexed into the City of St. Charles. The property is an 8,723 square foot parcel located at the corner of the north service road of Highway 94 and relocated Old Highway 94. The property is presently zoned R-1E Single-Family Residential District in unincorporated St. Charles County. The owners have requested that the property be rezoned to C-3 Highway Business District upon annexation into the city. (Ward 4 upon annexation) *(Tabled at the January 24, 2005, Planning & Zoning Commission Meeting; therefore the Public Hearing should be tabled until March 1, 2005)*

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- F. Case No. Z-02-05. An application to rezone portions of lot 23 of Fountain Lakes Commerce Center Plat 6 from A Agricultural District to C-2 General Business District and I-2 Heavy Industrial District. The portion proposed for rezoning to C-2 General Business District is a 1.577 acre tract located at the southeast corner of New Town Boulevard and Bangert Drive. The portion proposed for rezoning to I-2 Heavy Industrial District is a 13.029 acre tract located on the southwest side of Mueller Road, south of New Town Boulevard. (Ward 8) *(Council Bill 8460)*
- G. Case No. Z-03-05. An application to establish zoning for property in the process of being voluntarily annexed into the City of St. Charles. The property is a 108.09 acre tract located on the southeast side of New Town Boulevard, northeast of Mueller Road. The property is presently zoned I-2 Heavy Industrial District in unincorporated St. Charles County. The owners have requested that the property be rezoned to PD-MU Planned Development-Mixed Use District upon annexation into the city. In conjunction with the rezoning, the Commission will also consider a preliminary development plan for New Town at St. Charles Phase 10. (Ward 8 upon annexation) *(Council Bill 8465)*
- H. Case No. CU-01-05. An application for a conditional use permit for temporary vehicle storage, specifically the storage of towed vehicles, on property located at 1881 Old Highway 94 South. The property is zoned I-2 Heavy Industrial District. (Ward 4) *(Withdrawn by Applicant)*
- I. Case No. CU-02-05. An application for a conditional use permit for vehicle storage, specifically the storage of two (2) tractor-trailers used to haul heavy equipment, on property located at 1881 Old Highway 94 South. The property is zoned I-2 Heavy Industrial District. (Ward 4) *(Withdrawn by Applicant)*

REPORT OF THE MAYOR

Recognition of Award to Public Works Department as the Winner in the Collector and Residential Streets Category for the Old Highway 94 Reconstruction Project

The Honorable Mayor Patricia M. York announced that the Old Highway 94 Reconstruction Project was selected as the winner in the Collector and Residential Streets Category by the American Concrete Pavement Association. City Engineer Steve Bender introduced Jim Swinney, the Public Works Inspector on the Project.

A motion was made by JOE KOESTER to advance *Item 5A. Recognition of Safeway Tire Center* on the agenda. JOHN GIESEKE seconded the motion. All voted in favor, motion passed.

Recognition of Safeway Tire Center

Councilmember Joe Koester recognized Safeway Tire Center, a business in Ward Nine, for its excellent service to the community for over 40 years; and presented Representatives of Safeway Tire Center, Dennis Budde and Jay Moore, with a Certificate of Appreciation.

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CLOSED SESSION

The roll was called at 7:48 p.m. to recess into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1), hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3) and preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9), with the following results: "Aye": Koester, Muench, Reese, Riddler, Weller, Brown, Gieseke, Greer, Hoepfner, and Kneemiller. "Nay": None. Absent: None. Motion passed.

RECONVENE OPEN SESSION

The Regular Council Meeting reconvened in Open Session at 9:49, with the President of the Council Rory Riddler, presiding and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Mark Brown, John Gieseke, Dottie Greer, Bob Hoepfner, Bob Kneemiller, Joe Koester, Larry Muench, Jerry Reese, and Michael Weller. Absent: None.

A motion was made by LARRY MUENCH to suspend Council Rule 10 to extend the Regular Council Meeting past 10:00 p.m. JOHN GIESEKE seconded the motion. All voted in favor, motion passed.

A motion was made by MARK B. BROWN to advance *Public Comment* on the agenda. DOTTIE GREER seconded the motion. All voted in favor, motion passed.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Item 8.B.6. Public Utilities Committee Minutes of January 24, 2005

Phillip Dese, 2512 Gallaher, voiced concern at the motion made at the January 24, 2005, Public Utilities Committee meeting to recalibrate the flow meter at the ECM facility serving the St. Andrews Development.

Anita Foelsch, 207 Southern Oaks, voiced concern at extending water/sewer services to developments located outside the City limits.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

St. Charles Golf Course Property

Mark Verzino, 862 Chestnut Oak Drive, voiced concern at the anticipated increase in traffic flow with the development of the St. Charles Golf Course Property.

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REPORT OF THE MAYOR

Veto of Council Bill 8451 (Amending Section 40.42 of the Code of Ordinances Regarding Selection Process)

The Honorable Mayor Patricia M. York read the Veto Message relative to Council Bill 8451. Discussion was held relative to the provisions of Council Bill 8451, and the importance of the Council Committees input in the selection process for engineering firms. Special Counsel Eric Tolen distributed copies of the appropriate code sections, and explained the affect of the revisions.

Veto of Council Bill 8452 (Amending Section 40.43 of the Code of Ordinance Regarding Request for Bids)

The Honorable Mayor Patricia M. York read the Veto Message relative to Council Bill 8452. Discussion was held relative to the provisions of Council Bill 8452, and the intent of the ordinance that the final decision on awarding of bids for engineering services would be retained by the entire Council. Special Counsel Eric Tolen distributed copies of the appropriate code sections, and explained the difference in the terms "award" and "approval".

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Discussion Relative to Ticketed Events at the Family Arena

President of the Council Rory Riddler stated that there was concern relative to the listing of the events held at the Family Arena contained in the report received from St. Charles County; specifically, whether some of the events are actually ticketed events. President of the Council Riddler requested that City Administrator Allan T. Williams perform a critical analysis of the listing and determine whether St. Charles County has upheld its contractual obligations. Discussion was held relative to obtaining a listing of the number of persons attending each event, the method used by the County to sell/distribute the tickets, and the concern that several of the events are not actually attended by the general public. A motion was made by RORY RIDDLER to refer the thoughts/concerns of the Council relative to the provision relative to ticketed events contained in the contract between the City and St. Charles County on the Family Arena to City Administrator Allan T. Williams for his review. JOHN GIESEKE seconded the motion. All voted in favor, motion passed.

File #45757

Appointments to the Public Safety Committee

This item was referred to the February 15, 2005, Regular Council Meeting.

Consideration of Mayoral Veto of Council Bill 8451 (Amending Section 40.42 of the Code of Ordinances Regarding Selection Process)

Discussion was held relative to the intent of Council Bill 8451 to ensure that all interested engineering firms are allowed to bid on contracts, the possibility of reviewing all the ordinances

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pertaining to engineering services, ensuring that the code section pertaining to requests for bids is prior to the selection process when the global codification is performed during 2005, and the need for legislation to be clear to avoid contrary interpretations. Councilmember Mark B. Brown requested that the record reflect that the full intent of the Council is to ensure that the recommendations of Council Committees are approved by the entire City Council. President of the Council Rory Riddler placed the following question to the City Council: ***Shall the ordinance take effect, the objections of the Mayor notwithstanding?*** A roll call vote was taken, with the following results: "Aye": Riddler, Brown, Gieseke, Greer, Hoepfner, Kneemiller, Koester, and Muench. "Nay": Reese and Weller. Absent: None. The veto was overridden.

Consideration of Mayoral Veto of Council Bill 8452 (Amending Section 40.43 of the Code of Ordinance Regarding Request for Bids)

Discussion was held relative to the intent of Council Bill 8452 that the Council Committees recommend approval of the contracts to the entire Council, the possibility of reviewing all the ordinances pertaining to engineering services in the future, ensuring that the code section pertaining to requests for bids is prior to the selection process when the global codification is performed during 2005, and the need for legislation to be clear to avoid contrary interpretations. Councilmember Mark B. Brown requested that the record reflect that the full intent of the Council is to ensure that the recommendations of Council Committees are approved by the entire City Council. President of the Council Rory Riddler placed the following question to the City Council: ***Shall the ordinance take effect, the objections of the Mayor notwithstanding?*** A roll call vote was taken, with the following results: "Aye": Riddler, Brown, Gieseke, Greer, Hoepfner, Koester, and Muench. "Nay": Weller, Kneemiller, and Reese. Absent: None. The veto was overridden.

Announcement of Change in Council Rule 49(A) Relative to Public Comment

Councilmember Mark B. Brown announced the proposed change in Council Rule 49(A) relative to public comment. In accordance with Council Rule 45, the proposed amendment to Council Rule 49(A) will be listed on the consent agenda of the February 15, 2005, Council Meeting for approval.

File #45758

A motion was made by JOHN GIESEKE to advance the *Resolution Supporting the Creation of an AmerenUE Tariff for 100 and 150 Watt Metal Halide Bulbs in the Electric Street Lights in The New Town at St. Charles* on the agenda. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

A Resolution Supporting the Creation of an AmerenUE Tariff for 100 and 150 Watt Metal Halide Bulbs in the Electric Street Lights in The New Town at St. Charles
(Sponsor: John Gieseke)

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Passed "Aye": Weller, Brown, Gieseke, Greer, Hoepfner, Kneemiller, Muench,
 Reese, and Riddler
 "Nay": None
 Absent: Koester

Approved by the Honorable Mayor on February 4, 2005, and is known as **Resolution R05-08**

BILLS FOR FINAL PASSAGE

Bill 8335

An Ordinance Amending Section 151.69 of the Code of Ordinances Pertaining to the Rules and Regulations for Engineering Design to Require that All Detention Facilities be Provided Above Ground (*Sponsor: John Gieseke*)

Passed "Aye": Brown, Gieseke, Greer, Hoepfner, Kneemiller, Koester, Muench,
 Reese, Riddler, and Weller
 "Nay": None
 Absent: None

Approved by the Honorable Mayor on February 4, 2005, and is known as **Ordinance 05-49**

Bill 8453

An Ordinance Amending Sections 119.50 through 119.99 of the Code of Ordinances Pertaining to Solicitors and the Penalty for Violations (*Sponsor: Bob Kneemiller*)

Passed "Aye": Brown, Gieseke, Greer, Hoepfner, Kneemiller, Koester, Muench,
 Reese, Riddler, and Weller
 "Nay": None
 Absent: None

Approved by the Honorable Mayor on February 4, 2005, and is known as **Ordinance 05-50**

Bill 8454

An Ordinance Authorizing a Contract with Buxton Company to Provide Retail Potential and Retail Site Determination; Identification of Retail Matches for Selected Site; and Publishing of Retail Marketing Packages on Three Different Sites Selected by the City of St. Charles in an Amount Not to Exceed \$123,000.00. (*Sponsors: Rory Riddler, John Gieseke and Jerry Reese*)

Passed "Aye": Brown, Gieseke, Greer, Hoepfner, Kneemiller, Koester, Muench,
 Reese, Riddler, and Weller
 "Nay": None
 Absent: None

Approved by the Honorable Mayor on February 4, 2005, and is known as **Ordinance 05-51**

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Bill 8455

An Ordinance Amending Section 52.24 of the Code of Ordinances Pertaining to Sanitary Sewer Connection of Property Outside the City of St. Charles. (*Sponsors: Bob Hoepfner, Mark Brown, Dottie Greer, Bob Kneemiller, Michael Weller*)

Passed "Aye": Brown, Gieseke, Greer, Hoepfner, Kneemiller, Koester, Muench, Reese, Riddler, and Weller
 "Nay": None
 Absent: None

Returned unsigned by the Honorable Mayor on February 4, 2005, and is known as **Ordinance 05-52**

CONSENT AGENDA

A motion was made by LARRY MUENCH to receive and approve the balance of the Consent Agenda. BOB KNEEMILLER seconded the motion. A roll call vote was taken with the following results: "Aye": Greer, Hoepfner, Kneemiller, Koester, Muench, Reese, Riddler, Weller, and Brown. "Nay": None. Absent: Gieseke. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of May 4, 2004
2. Public Hearing of May 4, 2004

File #45759

3. Special Council Meeting of May 11, 2004
4. Special Council Meeting of May 12, 2004
5. Special City Council Meeting of January 11, 2005
6. Regular Council Meeting of January 18, 2005
7. Public Hearing of January 18, 2005

File #45760

B. Receipt of Council Committee Reports

1. Council Work Session of May 11, 2004
2. Convention Center Oversight Committee Meeting of December 21, 2004
3. Street Committee Meeting of January 11, 2005
4. Council Work Session of January 11, 2005
5. CVB Advertising Oversight Committee Meeting of January 18, 2005
6. Public Utilities Committee Meeting of January 24, 2005

File #45766

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7. Community Center Committee Meeting of January 25, 2005
File #45767

C. Receipt of Reports from Boards, Commissions or Committees

1. St. Charles Park & Recreation Board Meeting of December 15, 2004
File #45768

2. St. Charles Park & Recreation Work Session Meeting of January 5, 2005
File #45769

3. Special Business District Advisory Board Meeting of August 5, 2004
File #45770

4. Special Business District Advisory Board Meeting of September 2, 2004
File #45771

5. Special Business District Advisory Board Meeting of November 4, 2004
File #45772

6. Special Business District Advisory Board Meeting of December 2, 2004
File #45773

7. Riverfront Planning Committee Meeting of November 30, 2004
File #45774

D. Receipt of City Administrator's Reports

1. Informational Memorandum dated January 28, 2005

Councilmember John Gieseke requested that the contracts for advertising originating in the Convention & Visitors Bureau be referred to the CVB Advertising Oversight Committee in the future.

City Clerk Marilyn K. McCoy responded to an inquiry of President of the Council Rory Riddler that the contract for the newsletter writer is located in the City Clerk's Budget. Assistant to the City Administrator Brent Schulz responded that bids were solicited bids for the newsletter writer contract. President of the Council Rory Riddler requested that the City Clerk review the City Wide Newsletter Budget Line Item to ensure that there is sufficient funding for the entire year.
File #45755

E. Approval of Contracts and Easements from \$20,000 - \$50,000

1. Contract with Todt, Ryan, & McCulloch, L.L.C., for Legal Services;
Specifically Special Municipal Prosecution Services
File #45775

F. Preliminary Plats

1. Approval of the Preliminary Plat for Prongue Estates, a Two Lot
Subdivision Located on Muegge Road, South of Country Club Road
File #45776

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G. Miscellaneous

1. Report of the City Clerk relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law

File #45750

RESOLUTIONS

A Resolution Approving the City Center Facade Improvement Grant Guidelines
(Sponsor: Rory Riddler)

Passed "Aye": Greer, Hoepfner, Kneemiller, Koester, Muench, Reese, Riddler, Weller, and Brown

"Nay": None

Absent: Gieseke

Approved by the Honorable Mayor on February 4, 2005, and is known as **Resolution R05-05**

A Resolution Approving the First Capitol Facade Improvement Grant Guidelines
(Sponsor: Rory Riddler)

Passed "Aye": Greer, Hoepfner, Kneemiller, Koester, Muench, Reese, Riddler, Weller, and Brown

"Nay": None

Absent: Gieseke

Approved by the Honorable Mayor on February 4, 2005, and is known as **Resolution R05-06**

A Resolution Approving the North Main Facade Improvement Grant Guidelines
(Sponsor: Rory Riddler)

Passed "Aye": Greer, Hoepfner, Kneemiller, Koester, Muench, Reese, Riddler, Weller, and Brown

"Nay": None

Absent: Gieseke

Approved by the Honorable Mayor on February 4, 2005, and is known as **Resolution R05-07**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 8456

An Ordinance Authorizing an Amendment to the Contract with Melrose Pyrotechnics, Inc. for One Additional Fireworks Display on Sunday, July 3, 2005 in an Amount of \$30,000.00, for a Total Contract Amount Not to Exceed \$152,100.00 (Sponsor: Michael T. Weller)

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Bill 8457

An Ordinance Approving the Resubdivision of Lot 23 of Fountain Lakes Commerce Center Plat Six (*Sponsor: John Gieseke*)

Bill 8458

An Ordinance Authorizing a Sanitary Sewer Connection Agreement with Saint Charles County for the Dedication and Maintenance of Sewers in the Arnold/Shady Lane Neighborhood Improvement District (*Sponsors: Bob Hoepfner, Bob Kneemiller, Michael T. Weller, Mark B. Brown, and Dottie Greer*)

Bill 8459 (Amended Prior to Introduction)

An Ordinance Authorizing Amendment No. 1 to the Contract with Environmental Management Corporation (EMC) for the Operation and Maintenance of the City's Wastewater Treatment Facilities in an Amount of \$45,000.00, for a Total Contract Amount Not to Exceed \$165,000.00 (*Sponsors: Bob Hoepfner, Bob Kneemiller, Michael T. Weller, Mark B. Brown, and Dottie Greer*)

A motion was made by BOB HOEPFNER to amend Council Bill 8459 prior to Introduction by adding the language "for a total maximum reimbursement for maintenance and repair expenditures" in the title and in Section 1. JERRY REESE seconded the motion. All voted in favor, motion passed.

Bill 8460

An Ordinance Rezoning to City Zoning Districts I-2 (Heavy Industrial District) and C-2 (General Business District) from City Zoning District A (Agriculture District), a Tract of Land Located on Lot 23 of Fountain Lakes Commerce Center Plat Six (Proposed Lot 23 A & Proposed Lot 23 C) (*Sponsor: John Gieseke*)

Bill 8461

An Ordinance Authorizing a Four-Way Stop Sign at the Intersection of Clark Street, Main Street, Riverside Drive and the ACF Building Parking Lot Entrance (*Sponsor: Rory Riddler*)

Bill 8462

An Ordinance Authorizing Amendment No. 3 to the Engineering Services Contract with George Butler Associates for Interchange Enhancement Design Plans for the I-70 and Route 94 Interchange in an Amount of \$51,990.00, for a Total Contract Amount Not to Exceed \$183,190.00 (*Sponsor: Larry Muench*)

Bill 8463

An Ordinance Amending Schedule II, Subsection (C) (8) of Chapter 78 of the Code of Ordinances and Enacting a New Subsection (C) (10) Pertaining to a 15-Minute Loading Zone with Time Restrictions on a Portion of Waverly Street (*Sponsor: Rory Riddler*)

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Bill 8464

An Ordinance Annexing Certain Adjacent Contiguous Territory into the City of Saint Charles, Missouri, and Assigning the Property to a Designated Ward of the City Being a Tract of Land Petitioned for Annexation by Fred T. Zykan, Tricia D. Galvin, Jane M. Glagavs, and Whittaker Builders, Inc., (108.09 Acre Tract Located on the Southeast Side of New Town Boulevard, Northeast of Mueller Road.) (*Sponsor: John Gieseke*)

Councilmember John Gieseke requested that Vice President of the Council Bob Hoepfner to be added as a Sponsor of Council Bill 8464.

Bill 8465

An Ordinance Rezoning to City Zoning District PD-MU (Planned Development-Mixed Use District) From County Zoning District I-2 (Heavy Industrial District), a 108.09 Acre Parcel of Land Located on the Southeast Side of New Town Boulevard, Northeast of Mueller Road; Approving the Preliminary Development Plan of The New Town at St. Charles Phase 10 PD-MU in Connection Therewith; and Amending the Planned Development Agreement. (*Sponsor: John Gieseke*)

Councilmember John Gieseke requested that Vice President of the Council Bob Hoepfner to be added as a Sponsor of Council Bill 8465.

Bill 8466 (*Amended Prior to Introduction*)

An Ordinance Rezoning to City Zoning District I-2 (Heavy Industrial District) from City Zoning District O-I (Office Institution District), an Approximate 1.7 Acre Parcel of Land Located on the North Side of New Town Boulevard at Mueller Road (*Sponsor: John Gieseke*)

A motion was made by RORY RIDDLE to amend Council Bill 8466 prior to introduction by correcting the current City Zoning District to A (Agricultural District). DOTTIE GREER seconded the motion. All voted in favor, motion passed.

Bill 8467

An Ordinance Authorizing the Reimbursement and Payment by the City for Certain Employee's Prescription Costs Deductible (*Sponsor: Mark Brown*)

TABLED BILLS

There was no action taken on the following tabled Council Bills:

Bill 8203

An Ordinance Repealing Ordinance No. 03-209 Which Rezoned to Zoning District PD-MU (Planned Development-Mixed Use District) From Zoning District I-2 (Heavy Industrial District) a Tract of Land Located on the Southeast Side of South River Road (also known as Arena Parkway), Southwest of Friedens Road; Which Approved the Preliminary Plat of Ashbury at Katy Trail PD-MU in Connection Therewith; and Which Authorized a Planned Development Agreement (*Sponsors: Mark Brown*)

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Bill 8260

An Ordinance Rezoning to City Zoning District C-2 (General Business District) from City Zoning District I-2 (Heavy Industrial District), a Tract of Land Consisting of 35 Acres Located on the Southwest Side of South River Road (Also Known as Arena Parkway), Southwest of Friedens Road (*Sponsor: John Gieseke*)

APPROVAL OF CLOSED MINUTES

A motion was made by LARRY MUENCH to approve the following closed minutes:

- B. Council Work Session of December 14, 2004, relative to legal actions, causes of action, or litigation (RSMo 610.021.1), and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
- E. Regular Council Meeting of January 4, 2005, relative to hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
- F. Council Work Session of January 11, 2005, relative to preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
- G. Regular Council Meeting of January 18, 2005, relative to legal actions, causes of action, or litigation (RSMo 610.021.1), and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3).

DOTTIE GREER seconded the motion. A roll call vote was taken, with the following results: "Aye": Hoepfner, Kneemiller, Koester, Muench, Reese, Riddler, Weller, Brown, Gieseke, and Greer. "Nay": None. Absent: None. Motion passed.

The following Closed Minutes were referred to the February 15, 2005, Council Meeting for approval:

- A. Special Council Work Session of December 7, 2004, relative to legal actions, causes of action, or litigation (RSMo 610.021.1), and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3).
- C. Public Utilities Committee of December 20, 2004, relative to legal actions, causes of action, or litigation (RSMo 610.021.1), and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

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- D. Regular Council Meeting of December 21, 2004, relative to legal actions, causes of action, or litigation (RSMo 610.021.1)

CLOSED SESSION

The roll was called to recess into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1), hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3) and preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9), with the following results: "Aye": Kneemiller, Koester, Muench, Reese, Riddler, Weller, Brown, Gieseke, Greer, and Hoepfner. "Nay": None. Absent: None. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 11:17 p.m.

February 15, 2005
Date Passed
Mary K. McCoy
City Clerk

Rory Riddler
Rory Riddler, Presiding Officer